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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,641	08/19/2003	Kent A. Hellebust	6541-66109	5484

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A

Office Action Summary	Application No. 10/644,641	Applicant(s) HELLEBUST ET AL.	
	Examiner Nam V Nguyen	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application of Hellebust et al. for a “filtered in-box for voice mail, e-mail, pages, web-based information, and faxes” filed August 19, 2003 has been examined.

This application is a CON of 09/386,762 filed August 31, 1999, now US# 6,628,194.

A first and second preliminary amendments to the claims 1-44 has been entered and made of record. Claims 1-23 are cancelled. The new set of claims 24-44 are introduced.

Claims 24-44 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 28, the phrase “the display is configured to display a first message counter or a second message counter corresponding to the first format or the second format, respectively, based on the received classification information.” is confusing and unclear. It is not understood what is meant by such a limitation. What is the first message counter or the second message

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counter? What is the display configured to display? Where is this limitation supported by specification?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 24-31, 33-40 and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Janow (US# 6,061,570).

Referring to claim 24, Janow discloses a unified message announcing as recited in claim

1. See Figures 1 to 4 and respective portions of the apparatus and method.

Janow discloses a wireless communication device (21) (i.e. a pager) (column 1 lines 43 to 63; see Figures 1 and 3), comprising:

a receiver (210) (i.e. a RF section) configured to receive a plurality of messages of a first format (10) (i.e. voice messaging) and a plurality of messages of a second format (20) (i.e. a paging system) (column 2 lines 30 to 40; see Figures 1 to 3); and

a display (213) configured to present classification information (i.e. the message's originator or the message's type) associated with the messages of the first format (10) (i.e. voice messaging) and the second format (20) (i.e. a paging system) (column 2 lines 30 to 40; column 3 lines 4 to 21; see Figures 1 to 3).

Referring to claim 25, Janow discloses a wireless communication device of claim 24, further comprising a processor (211) (i.e. a digital processor) configured to determine the classification information for the plurality of messages of the first format and the plurality of messages of the second format (column 3 lines 22 to 29; see Figure 3).

Referring to claim 26, Janow discloses a wireless communication device of claim 25, further comprising a memory (212) (i.e. a storage memory), wherein the processor (211) is configured to determine the classification information based on at least one a rule (i.e. criteria) stored in the memory (212) (column 2 lines 41 to 66; column 3 lines 4 to 21; see Figures 2 to 3).

Referring to claim 27, Janow discloses a wireless communication device of claim 25, wherein the processor (211) is configured to produce updated classification information, and the

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display is configured to present the updated classification information (column 2 lines 41 to 66; column 3 lines 4 to 21; see Figures 2 to 3).

Referring to claim 28, Janow discloses a wireless communication device of claim 25, wherein the receiver is configured to receive classification information associated with messages from the plurality of messages of the first format and the plurality of messages of the second format, and the display is configured to display a first message counter or a second message counter corresponding to the first format or the second format, respectively, based on the received classification information (column 3 lines 4 to 58; see Figure 3).

Referring to claim 29, Janow discloses a wireless communication device of claim 25, wherein the classification information includes information about an origin (i.e. the message's originator) of at least one received message (column 3 lines 14 to 21; see Figures 1 and 3).

Referring to claim 30, Janow discloses a wireless communication device of claim 24, wherein the receiver (21) is configured to receive a plurality of messages of a third format (11) (i.e. e-mail messages) (column 2 lines 8-40; see Figure 1).

Referring to claim 31, Janow discloses a wireless communication device of claim 24, where the first format is a voice mail format (10) (i.e. voice messaging) (column 2 lines 8-40; see Figure 1).

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Referring to claim 33, Janow discloses a wireless communication device of claim 24, where the first format is an e-mail format (11) (i.e. e-mail messaging) (column 2 lines 8-40; see Figure 1).

Referring to claim 34, Janow discloses a wireless communication device of claim 24, where the first format is a paging format (20) (i.e. paging system) (column 2 lines 8-40; see Figure 1).

Referring to claim 35, Janow discloses a wireless communication device of claim 24, where the first format is a short message service format (30) (i.e. telephone service) (column 2 lines 8-40; see Figure 1).

Referring to claim 36, Janow discloses a wireless communication device of claim 24, where the first format is based on a Wireless Markup Language (13) (i.e. internet messaging) (column 2 lines 8-40; see Figure 1).

Referring to claims 37 and 44, Janow discloses a network device for a wireless infrastructure, the claims 37 and 44 differ from claim 24 in that the claims require the limitations of claims 25-26 already addressed above and Janow discloses all limitations to the extent as claimed with respect to claim 24 above and therefore claims 37 and 44 are also rejected for the same reasons given with respect to claims 25-26.

Referring to claim 38, Janow discloses a network device of claim 37, further comprising a transmitter (20) (i.e. transmitter of a paging system) configured to transmit the message classification (column 2 lines 9 to 19; column 3 lines 4 to 21; see Figures 1 and 3).

Referring to claim 39, Janow discloses a network device of claim 37, wherein the transmitter (20) (i.e. transmitter of a paging system) is configured to transmit the received message to the wireless network user (23) (i.e. a subscriber) (column 2 lines 9 to 19; see Figure 1).

Referring to claim 40, Janow discloses a network device of claim 37, further comprising a transmitter (20) configured to transmit at least one of the received message and the message classification to a wireless communication device (21) (column 2 lines 9 to 54; see Figure 1).

Referring to claims 42-43, Janow discloses a network device of claim 37, the claims 42-43 same in that the claims 26-27 already addressed above therefore claims 42-43 are also rejected for the same reasons given with respect to claims 26-27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janow (US# 6,061,570) as applied to claims 24 and 37 above, and in view of Keyworth II et al. (US# 5,579,472).

Referring to claim 32, Janow discloses a wireless communication device of claim 24, however, Janow did not explicitly disclose wherein the first format is a fax format.

In the same field of endeavor of a wireless communication device, Keyworth II et al. teach that the first format (38) (i.e. fax mail) is a fax format (column 3 lines 46 to 54; column 5 line 46 to 54; see Figures 1 to 4) in order to receive and to display fax messages on the display from an external source.

One of ordinary skilled in the art recognizes the need to add a fax format in an exemplary apparatus of Keyworth II et al. in a multi-service notifier device of Janow because Janow suggests it is desired to provide that a multi-service notifier device able to receive plurality of message formats including telephone, internet messaging and e-mail messaging on a conventional telephone line (column 2 line 9 to 20; see Figure 1) and Keyworth II et al. teach that an apparatus able to receive a fax on a modem or a wireless receiver from a telephone jack (column 5 lines 47 to 54) in order to have a successful communication and display for reviewing new messages. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a fax format in an exemplary apparatus of Keyworth, II et al. in a multi-service notifier device of Janow with the motivation for doing so would have been to provide an additional service of a multi-service notifier device.

Referring to claim 41, Janow discloses a network device of claim 37, Keyworth, II et al. disclose wherein the processor is configured to produce an updated message count (50e) (i.e. updated status of number incoming messages) associated with the message classification (i.e. type) (column 4 lines 31 to 41; see Figures 1-3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deluca et al. (US# 5,784,001) disclose a method and apparatus for presenting graphic messages in a data communication receiver.

Lieuwen (US# 6,072,867) discloses a method and apparatus for providing calling party control.

Murata (US# 6,075,984) discloses a digital radio telephone for a digital mobile radio communication system.

Adler et al. (US# 6,157,630) disclose a communications system with radio device and server.

O'Neal et al. (US# 6,463,145) disclose a computer-implemented call forwarding options and methods therefor in a unified messaging system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
February 16, 2005



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